

**REMARKS**

**STATUS OF THE CLAIMS**

Claims 1-9 and 36-42 are pending in the application. Claims 10-35 have been cancelled. Claims 1 and 5 have been amended. Support for these amendments is to be found at least on page 6, lines 11-15 and in FIG 4. Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Claims 36-42 are newly added as proposed by the Examiner on November 18, 2003. Support for these new claims is to be found at least on page 6, lines 11-15 and in FIG 4. Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby.

**REJECTIONS UNDER 35 U.S.C. § 102(b) (U.S. Patent No. 4,136,011 to A. David Joseph et al.)**

Claims 1, 3, and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,136,011 to A. David Joseph et al. (Joseph et al. '011). Firstly, the Examiner is thanked for his exemplary assistance during a telephonic Examiner Interview on Tuesday, November 18, 2003 in which the Examiner provided amendments to the claims that overcome the currently cited references. The Applicant respectfully submits that it is believed that the amendments submitted herein to claim 1 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection to claims 1, 3, and 4 as being anticipated by the Joseph et al. '011 document is respectfully requested in light of the amendments submitted herein and the following comments.

Claim 1 recites, *inter alia*, a return-side filter comprising a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. In

contrast, the Joseph et al. '011 document is directed to a filter device having an opening disposed within the base of the filter cartridge and positioned relatively below the filter material (see FIG. 7). As such, the opening disclosed in the Joseph et al. '011 document is configured to initially direct return fluid up and towards the filter. Furthermore, the opening is not sealingly connected to the filter, but rather, is a slot cut into the base of the filter cartridge. As such, the Joseph et al. '011 document fails to disclose a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection to claim 1 as being anticipated by the Joseph et al. '011 document is respectfully requested at least because the Joseph et al. '011 document fails to disclose a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. Claims 3 and 4 depend from independent claim 1. Therefore it is respectfully submitted that claims 3 and 4 are patentable for at least the same reasons as discussed in response to the rejection of claim 1 as being anticipated by the Joseph et al. '011 document. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 3 and 4 as being anticipated by the Joseph et al. '011 document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Joseph et al. '011 in view of U.S. Patent No. 2,809,754 to Alex Pudlo)

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being anticipated by the Joseph et al. '011 document in view of U.S. Patent No. 2,809,754 to Alex Pudlo (Pudlo). The Applicant

respectfully submits that it is believed that the amendments submitted herein to claim 1 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 2 as being anticipated by the Joseph et al. '011 document in view of the Pudlo document is respectfully requested in light of the amendments submitted herein and the following comments.

Newly amended claims 1 recites, *inter alia*, a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. In contrast, the Joseph et al. '011 document is directed to a filter device having an opening disposed within the base of the filter cartridge and positioned relatively below the filter material (see FIG. 7). As such, the opening disclosed in the Joseph et al. '011 document is configured to initially direct return fluid up and towards the filter. Additionally, the opening is not sealingly connected to the filter, but rather, is a slot cut into the base of the filter cartridge. As such, the Joseph et al. '011 document fails to disclose a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. Furthermore, the Pudlo document fails to correct the deficiencies of the Joseph et al. '011 document. In this regard, as stated in the Pudlo document it is an object of the invention to, "provide a filter construction which is so worked out that the liquid must pass through the pad twice..." (see Column 1 lines 34-37). To this end, the Pudlo document is directed to filtering a fluid first through one side of the filter and then a second time through the same filter (see Column 2 lines 42-45 and the claim). As shown in FIG. 3, the Pudlo document is directed to a radial duct 16 configured to initially direct the flow of fluid on to the top of the filter pad 34. As such, the Pudlo document fails to disclose initially directing the return fluid below the filter media and, in point of fact, is directed to the opposite.

Therefore, neither the Joseph et al. '011 document nor the Pudlo document taken alone or in combination disclose initially directing the return fluid below the filter media.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 2 as being anticipated by the Joseph et al. '011 document in view of the Pudlo document is respectfully requested at least because both the Joseph et al. '011 document and the Pudlo document fail to disclose directing the return fluid below the filter media. Claim 2 depends from independent claim 1. Therefore it is respectfully submitted that claim 2 is patentable for at least the same reasons as discussed with respect to claim 1. In light of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 2 as being anticipated by the Joseph et al. '011 document in view of the Pudlo document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Joseph et al. '011 in view of U.S. Patent No. 4,402,827 to A. David Joseph)

Claims 5 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being anticipated by the Joseph et al. '011 document in view of U.S. Patent No. 4,402,827 to A. David Joseph (Joseph '827). The Applicant respectfully submits that it is believed that the amendments submitted herein to claim 5 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection to claims 5 and 7-9 as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 document is respectfully requested in light of the amendments submitted herein and the following comments.

Newly amended claims 5 recites, *inter alia*, a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. In contrast,

the Joseph et al. '011 document is directed to a filter device having an opening disposed within the base of the filter cartridge and positioned relatively below the filter material (see FIG. 7). As such, the opening disclosed in the Joseph et al. '011 document is configured to initially direct return fluid up and towards the filter. Additionally, the opening is not sealingly connected to the filter, but rather, is a slot cut into the base of the filter cartridge. As such, the Joseph et al. '011 document fails to disclose a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. Furthermore, the Joseph '827 document fails to correct the deficiencies of the Joseph et al. '011 document. In this regard, the Joseph '827 document is directed to an envelope of filter media (see Figures 2-4 and Column 1, lines 61-66). To this end, the filter envelope includes an inlet for directing fluid into the interior of the envelope (see Figures 1-4 and Column 2, lines 3-6). As such, the Joseph '827 document fails to disclose initially directing the return fluid below the filter media. Therefore, neither the Joseph et al. '011 document nor the Joseph '827 document taken alone or in combination disclose initially directing the return fluid below the filter media.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claims 5 and 7-9 as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 document is respectfully requested at least because both the Joseph et al. '011 document and the Joseph '827 document fail to disclose directing the return fluid below the filter media. Claims 7-9 depend from independent claim 5. Therefore it is respectfully submitted that claims 7-9 are patentable for at least the same reasons as discussed with respect to claim 5. In light of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 5 and 7-9 as being

anticipated by the Joseph et al. '011 document in view of the Joseph '827 document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Joseph et al. '011 in view of Joseph '827 and further in view of Pudlo)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 document and further in view of the Pudlo document. The Applicant respectfully submits that it is believed that the amendments submitted herein to claim 5 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 6 as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 and further in view of the Pudlo document is respectfully requested in light of the amendments submitted herein and the following comments.

Newly amended claims 5 recites, *inter alia*, a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. In contrast, the Joseph et al. '011 document is directed to a filter device having an opening disposed within the base of the filter cartridge and positioned relatively below the filter material (see FIG. 7). As such, the opening disclosed in the Joseph et al. '011 document is configured to initially direct return fluid up and towards the filter. Additionally, the opening is not sealingly connected to the filter, but rather, is a slot cut into the base of the filter cartridge. As such, the Joseph et al. '011 document fails to disclose a filter media having an inlet aperture extending through the filter media and an inlet port being sealingly connected to the inlet aperture and being operable to initially direct the return fluid below the filter media. Furthermore, the Joseph '827 document

fails to correct the deficiencies of the Joseph et al. '011 document. In this regard, the Joseph '827 document is directed to an envelope of filter media (see Figures 2-4 and Column 1, lines 61-66). To this end, the filter envelope includes an inlet for directing fluid into the interior of the envelope (see Figures 1-4 and Column 2, lines 3-6). As such, the Joseph '827 document fails to disclose initially directing the return fluid below the filter media. Moreover, the Pudlo document fails to correct the deficiencies of both the Joseph et al. '011 document and the Joseph '827 document. In this regard, as stated in the Pudlo document it is an object of the invention to, "provide a filter construction which is so worked out that the liquid must pass through the pad twice..." (see Column 1 lines 34-37). To this end, the Pudlo document is directed to filtering a fluid first through one side of the filter and then a second time through the same filter (see Column 2 lines 42-45 and the claim). As shown in FIG. 3, the Pudlo document is directed to a radial duct 16 configured to initially direct the flow of fluid on to the top of the filter pad 34. As such, the Pudlo document fails to disclose initially directing the return fluid below the filter media and, in point of fact, is directed to the opposite. Therefore, none of the Joseph et al. '011 document nor the Joseph '827 document nor the Pudlo document taken alone or in any combination thereof disclose initially directing the return fluid below the filter media.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 6 as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 document is respectfully requested at least because none of the Joseph et al. '011 document, the Joseph '827 document, or the Pudlo document disclose directing the return fluid below the filter media. Claim 6 depends from independent claim 5. Therefore it is respectfully submitted that claim 6 is patentable for at least the same reasons as discussed with respect to claim 5. In light of the

foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 6 as being anticipated by the Joseph et al. '011 document in view of the Joseph '827 document is respectfully requested.

## CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. If it is believed that any further issue exists, the Examiner is invited to contact the undersigned agent by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event this response is not timely received or an extension is required, the Applicant petitions for an appropriate extension of time. Any additional fees may be charged to or overpayment credited to Deposit Account No. 50-2036.

Respectfully submitted,

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